IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

NICOLE RICOBENE,)			
Dlaintiff) FILED STAMP: JULY 30, 2008			
Plaintiff,) 08CV4309			
vs.) JUDGE LINDBERG			
ACCOUNT RECOVERY SERVICES, INC.,) MAG. JUDGE COLE			
) J. N.			
Defendant.)			

COMPLAINT

INTRODUCTION

1. Plaintiff Nicole Ricobene brings this action to secure redress from unlawful credit and collection practices engaged in by defendant Account Recovery Services, Inc.. Plaintiff alleges violation of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq. ("FDCPA").

VENUE AND JURISDICTION

- This Court has jurisdiction under 15 U.S.C. §1692k (FDCPA), 28 U.S.C. §1331 and 28 U.S.C. §1337.
 - 3. Venue and personal jurisdiction in this District are proper because:
- a. Defendant's collection communications were received by plaintiff within this District;
 - b. Defendant does business within this District.

PARTIES

- 4. Plaintiff Nicole Ricobene is an individual who resides in the Northern District of Illinois.
- 5. Defendant Account Recovery Services, Inc. is an Illinois corporation with offices at 5183 Harlem Road, Suite 7, Loves Park, IL 61111.
- 6. Account Recovery Services, Inc. is engaged in the business of using the mails and telephone to collect consumer debts originally owed to others.

7. Account Recovery Services, Inc. is a debt collector as defined in the FDCPA.

FACTS

- 8. Defendant has been attempting to collect from plaintiff an alleged defaulted debt incurred for personal, family or household purposes, namely a medical bill.
 - 9. On Dec. 27, 2007, defendant sent plaintiff the letter attached as Exhibit A.
 - 10. On Feb. 27, 2008, defendant sent plaintiff the letter attached as Exhibit B.
 - 11. On April 18, 2008, defendant sent plaintiff the letter attached as Exhibit C.
 - 12. No suit was ever filed.
- 13. Neither the medical provider nor defendant file lawsuits on \$180 medical bills.

VIOLATIONS COMPLAINED OF

- 14. Defendant violated 15 U.S.C. §1692e, 1692e(2), 1692e(5) and 1692e(10) by sending Exhibits A-C to plaintiff.
 - 15. Section 1692e provides:
 - § 1692e. False or misleading representations [Section 807 of P.L.]
 - A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section: . . .
 - (2) The false representation of--
 - (A) the character, amount, or legal status of any debt; ...
 - (5) The threat to take any action that cannot legally be taken or that is not intended to be taken....
 - (10) The use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer....

WHEREFORE, the Court should enter judgment in favor of plaintiff and against defendant for:

(1) Statutory damages;

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- (2) Attorney's fees, litigation expenses and costs of suit;
- (3) Such other and further relief as the Court deems proper.

s/ Daniel A. Edelman Daniel A. Edelman

Daniel A. Edelman Cathleen M. Combs James O. Latturner EDELMAN, COMBS, LATTURNER & GOODWIN, L.L.C. 120 S. LaSalle Street, 18th Floor Chicago, Illinois 60603 (312) 739-4200 (312) 419-0379 (FAX)

JURY DEMAND

Plaintiff demands trial by jury.

s/ Daniel A. Edelman
Daniel A. Edelman

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NOTICE OF LIEN AND ASSIGNMENT

Please be advised that we claim a lien upon any recovery herein for 1/3 or such amount as a court awards. All rights relating to attorney's fees have been assigned to counsel.

s/ Daniel A. Edelman Daniel A. Edelman

Daniel A. Edelman EDELMAN, COMBS, LATTURNER & GOODWIN, LLC 120 S. LaSalle Street, 18th Floor Chicago, Illinois 60603 (312) 739-4200 (312) 419-0379 (FAX) 08CV4309 JUDGE LINDBERG MAG. JUDGE COLE J. N.

EXHIBIT A

Account Recovery Services, Inc.

Phone (815) 639-9300 Fax (815) 639-9325

Collection Specialists P.O. Box 2526 Loves Park, Il. 61132

December 27, 2007

67624		
NICOLE RICOBENE 8224 SPRUCE LANE Tinley Park, IL 60477 Idlandalladladlad		·
A Community of the Comm	i i i e e e e e e e e e e e e e e e e e	
RE: Paul Newman LCSW		\$180.00
	TOTAL:	\$180.00
Dear NICOLE RICOBENE,		
You have failed to respond to our previous notice advising	you of the delinquency o	f your
account.		s takete need or so so in 19, 1999
It is our intent to pursue collection of this debt through eve	ry means available to us.	
We extend this opportunity to settle this debt in a friendly payment in full to Account Recovery Services, Inc. or call we accept all Major Credit Cards.	manner. You may either s 815-639-9300. For your	send your convenience,
Sincerely,		
KEVIN CHANCE	•	
815-639-9300	e to	
NICOLE RICOBENE		
6	7624	
Amount Enclosed: \$Comments:		
☐ Visa ☐ M/C ☐ Discover ☐ Am Exp Card #	*	
Exp Date CVV # Sign	ature	
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08CV4309 JUDGE LINDBERG MAG. JUDGE COLE J. N.

EXHIBIT B

FROM:



Account Recovery Services, Inc.

Phone (815) 639-9300 Fax (815) 639-9325

Collection Specialists

P.O. Box 2526 Loves Park, Il. 61132

February 27, 2008

67624

NICOLE RICOBENE 8224 SPRUCE LANE Tinley Park, IL 60477 Mahadalladhallalla

Paul Newman LCSW RE:

\$180.00

TOTAL:

\$180.00

Dear NICOLE RICOBENE,

Are you aware that your debt can be litigated and a judgment can be obtained against you? We are now prepared to retain legal counsel with our recommendation that the litigation should be filed.

Please contact us at Account Recovery Services, Inc., 815-639-9300, to discuss the matter, or you may send your payment in full. For your convenience, we accept all Major Credit Cards.

We expect your response.

Sincerely,

KEVIN CHANCE 815-639-9300

NICOLE RICOBENE

67624

Amount Enclosed: \$Comments:							
						•	
	***************************************		***************************************				
☐ Visa ☐ M/C ☐	Discover	Exp Card #	-	*			
Exp Date	CVV#	Signati	are				

08CV4309 JUDGE LINDBERG MAG. JUDGE COLE J. N.

EXHIBIT C



Account Recovery Services, Inc.

Phone (815) 639-9300

Collection Specialists

P.O. Box 2526 Loves Park, II. 61132

(815) 639-9325

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67624

NICOLE RICOBENE 8224 SPRUCE LANE Tinley Park, IL 60477 laballandahadladdad

Paul Newman LCSW RE:

\$180.00

\$180.00 TOTAL:

Dear NICOLE RICOBENE,

Please be advised that the entire balance of your account should be paid within 15 days. Failure to comply will result in our recommendation that litigation be filed against you.

This is your final opportunity to contact us to avoid further legal action. For your convenience, we accept all Major Credit Cards.

Sincerely,

KEVIN CHANCE 815-639-9300

This is an attempt to collect a debt. Any information obtained will be used for that purpose.

Detach and remit with pag	/ment.
Name: NICOLE RICOBENE Amount Enclosed: \$Comments:	Account #: 67624
☐ Visa ☐ M/C ☐ Discover ☐ Am Exp Card #_ Exp Date CVV #	Signature